

REMARKS

Claims 1-27 are pending in the application. Claims 1-5 and 24-27 have been withdrawn from consideration. Claims 6-23 are rejected. Applicant has amended claims 6-14, 16-20 and 22. Claims 1-5 and 24-27 are cancelled.

Elections/Restriction

The Examiner acknowledges Applicant's election without traverse of Group III, claims 6-23, for examination. Claims 1-5 and 24-27 are cancelled, since they are withdrawn from further consideration.

Claim Rejections - 35 U.S.C. § 112

Claims 6-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed for at least the following reasons.

The Examiner points to the phrase "said molding die" in claim 1 and asserts that this phrase lacks antecedent basis. In addition, the Examiner points to the word "solving" on line 5 of claim 9 and considers this phrase to be indefinite.

As a preliminary matter, Applicant believes that the Examiner intended to refer to claim 6, rather than claim 1 in framing this rejection. Applicant assumes this is the case and has amended claim 6 in order to provide proper antecedent basis.

With regard to the rejection of claim 9, Applicant submits that the term "solve" is intended to mean "application of a solvent" or the like. For example, at page 30 of the specification it relates to dipping a textile type EVA copolymer material into the water of 10 to 30 degree C for a predetermined time period. The standard dictionary definition includes a meaning of "dissolve." Thus, Applicant submits that the meaning of the word "solving" at line 5 is clear and unambiguous.

Finally, Applicant has reviewed the claims and has amended the claims in several respects in order to clearly recite the subject matter of the invention.

Claim Rejections - 35 U.S.C. § 102

Claims 6, 7, 16, 17 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kumasaka et al (4,338,271). This rejection is traversed for at least the following reasons.

In framing the rejection, the Examiner asserts that Kumasaka et al discloses the basic claimed method of manufacturing shoe components using an EVA based composition. The Examiner points to col. 10, line 45 for a teaching of a first step of cutting an EVA copolymer film or sheet having a thickness of 0.01-2 mm. Further, the Examiner asserts that Kumasaka et al teaches stacking or combining a cut film or sheets into a cavity of a mold, covering the mold and applying heat and pressure, as disclosed at col. 2, lines 31-33. Finally, the Examiner notes that upon releasing pressure from the mold, and removing the cover, a foam is produced.

With regard to the range of 0.1-1.0 mm thickness for an EVA sheet, the Examiner notes that such range is taught in Kumasaka et al. Further, the Examiner notes with respect to claim 20 that the use of a structure or a bar to form a space in the stacked sheets or films is taught at col. 8, lines 1-12 of Kumasaka et al.

It should be noted that the thickness of sheets of EVA that are stacked together in a mold, as generally taught in Kumasaka, have a dimension that is similar to the conventional sheet-type EVA compound disclosed in the background of the invention, particularly at pages 1-6 of the present application. Specifically, Kumasaka et al does provide a description in several Examples where a plurality of stacked EVA sheets are placed into a mold and subject to pressure and temperature, however, all of the sheets have a thickness of 2 mm (col. 4, lines 19-26; col. 6, lines 34-42; col. 7, lines 40-49; and col. 8, lines 39-56).

A disclosure of sheets having a thickness of only 1 mm is provided at col. 10, lines 40-52 and is highly pertinent to several of the claimed features of the invention. In addition, a disclosure of sheets having a size of 1.5 mm with plural such sheets being used, is disclosed at col. 11, lines 9-21.

As to the first example with sheets having a thickness of 1.0mm, the embodiment disclosed at col. 10 uses release papers interposed between every two adjacent sheets. As explained at col. 10, line 63, separate foamed sheets are thus obtained and such sheets do not

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exhibit any distortion or waviness when placed on an even surface. Similarly, the second example with sheets having a thickness of 1.5mm, galvanized steel sheets are interposed between each pair of adjacent sheets. Such insertions are used to ensure desired surface characteristics.

Based on a review of the disclosure in Kumasaka et al, the Examiner will note that there is no teaching of (1) sheets having a dimension of less than 2.0 mm, where (2) the sheets are adjacent to each other and do not use a release paper or other sheet material. By contrast, the present invention places film materials adjacent to and directly in contact with each other in the mold, prior to application of pressure and foaming. The sheets may have different colors, compositions, sizes and shapes, and may have insert structures located therebetween. However, as disclosed, the insert structure does not prevent adjacent sheets from directly contacting each other. Thus, claim 6 is amended to state that a plurality of sheets are placed in the mold so that at least a part of a surface of each film is in direct contact with at least a part of an adjacent film.

Claim Rejections - 35 U.S.C. §103

Claims 8-13, 18-19 and 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kumasaka et al. This rejection is traversed for at least the following reasons.

First, Kumasaka et al does not teach the placement of sheets having the described thickness directly in contact with each other when they are adjacent. Second, the use of thin sheets which are in direct contact and are adjacent to each other in order to fill a mold would not be an obvious step since the prior art teaches against such combination. Even though Kumasaka teaches the use of multiple sheets that are adjacent to each other, such sheets are outside of the range claimed, as each has a thickness of 2 mm.

Allowable Subject Matter

Claims 14-15 are considered allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all the limitations of the base claim and any intervening claims. Applicant has placed claim 14 into independent form.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

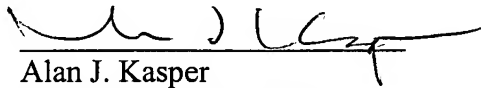
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